



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/019,788	01/04/2002	Gilles Lebouill	11345/042001	7677
------------	------------	-----------------	--------------	------

22511	7590	05/01/2006		
-------	------	------------	--	--

OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

EXAMINER

TO, BAOTRAN N

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/019,788		LEBOUILL, GILLES	
	Examiner		Art Unit	
	Bao Tran N. To		2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 and 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 18-22, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/05/2006 has been entered.

This Office action responds to the applicant's amendment filed on 04/05/2006. In this amendment, Claims 1 and 18 are amended, Claims 14-17, 23-25 are withdrawn and Claims 26-28 are canceled.

Claims 1-13, 18-22, 29 and 30 remain for examination.

Response to Arguments

2. Applicant's arguments filed on 04/05/2006 have been fully considered but they are not persuasive.

Applicant argues "In particular, the claims have been amended, in part, to recite 'wherein the receiver/decoder indirectly accesses the network via a gateway interposed between the receiver/decoder and the remote server.' Thus, instead of directly accessing the network via, for example, the Internet Protocol (IP), the receiver/decoder uses a proxy or gateway as a means to obtain to the network."

Examiner would like to point out that the White's reference still reads on the amended claim limitation. White clearly discloses "WebTV clients are coupled to a modem pool 2 via direct-dial, bi-directional data connection 29 which may be telephone, or any other similar type of connection. Other connection mechanisms may be employed such as cable and satellite forward channels, for example" (col. 3, lines 20-27). Furthermore, White discloses the WebTV clients 1 each have a connection to the WebTV server 5 either directly or through the modem pool 2 and Internet" (col. 3, lines 30-38).

Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-13, 20-22 and 29-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "a gateway" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "a network" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "a gateway" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 13, 22 and 29-30 are also rejected because of dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by White et al. (U.S. Patent 5,983,273) herein referred to as White.

Regarding Claims 1 and 18, White discloses a method of authenticating communication between a receiver/decoder (WebTV client) and a remote server (WebTV server) for providing access to a network (col. 3, lines 5-20), the method comprising

using an identifier (identification information) of the receiver/decoder to authenticate the communication (col. 2, lines 5-10),

the identifier being based on an identifier for access to broadcast service (WebTV service) (col. 5, lines 50-58),

wherein the receiver/decoder indirectly accesses the network via a gateway (modem pool 2) interposed between the receiver/decoder and the remote server (Figure 1, col. 3, lines 19-38 and col. 4, lines 46-53).

Regarding Claim 2, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the identifier is stored on a removable component (smartcard) of the receiver/decoder (col. 4, lines 5-20).

Regarding Claim 3, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the identifier is independent of a network login identifier for the receiver/decoder (col. 7, lines 8-20).

Regarding Claim 4, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the identifier is based on a number unique (id) to a smartcard for use with the receiver/decoder (col. 4, lines 5-10).

Regarding Claim 5, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the remote server is for accessing the internet (Fig. 1, col. 3, lines 33-35).

Regarding Claim 6, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the remote server is an internet account management system (col. 5, lines 30-35).

Regarding Claim 7, White discloses the limitations as discussed in Claim 6 above. White further discloses wherein an internet account for a user is established by the internet account management system using the identifier of the receiver/decoder (col. 5, lines 50-55).

Regarding Claim 8, White discloses the limitations as discussed in Claim 7 above. White further discloses wherein the identifier of the receiver/decoder is compared by the internet account management system with a stored list of identifier of receiver/decoders which may establish internet accounts (col. 5, lines 28-35).

Regarding Claim 9, White discloses the limitations as discussed in Claim 7 above. White further discloses wherein the remote server comprises means for sending data to an internet service provider and wherein said method comprises the steps of providing details of the internet account to the internet service provider to establish a bi-directional data pathway (bi-directional data connection 29) between the receiver/decoder and the internet service provider (remote server) (Fig. 1, col. 3, lines 20-30).

Regarding Claims 10 and 19, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein said identifier is accompanied by data identifying a data pathway to be used for communication between the receiver/decoder and the remote server (col. 1, lines 60-65).

Regarding Claims 11 and 20, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the remote server provides the receiver/decoder with access to a network having network protocols (col. 3, lines 30-38), and data output from the receiver/decoder is converted into data compliant with the network protocols at a location remote from the receiver/decoder (col. 2, lines 5-10).

Regarding Claim 21, White discloses the limitations as discussed in Claim 1 above. White further discloses a gateway intermediate the receiver/decoder and the remote server (Figure 1 and col. 3, lines 20-48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-13, 22, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over White as applied to claims 1 and 18 above, and further in view of Shambroom (U.S. Patent 6,301,661,B1) herein referred to as Shambroom.

Regarding Claim 12, White discloses the limitations as discussed in Claim 11 above. White explicitly does not disclose wherein the data is converted into said data compliant with the network protocols by a gateway intermediate the receiver/decoder and the remote server.

However, Shambroom discloses wherein the data is converted into said data compliant with the network protocols by a gateway intermediate the receiver/decoder and the remote server (col. 2, lines 30-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Shambroom's invention within White to include a gateway intermediate the receiver/decoder and the remote server wherein the data is converted into said data compliant with the network protocols. One of ordinary skill in the art would have been motivated to provide the broadcasting signal in a suitable format (col. 3, lines 48-67).

Regarding Claims 13 and 22, White and Shambroom disclose the limitations as discussed in Claim 12 above. White and Shambroom further disclose wherein the network comprises a plurality of remote devices, said converted data being communicated by the gateway to one of said remote devices as specified in said data

Art Unit: 2135

thereby establish a communication channel between the receiver/decoder and the specified remote device (Shambroom, col. 2, lines 55-65).

Regarding Claim 29, White and Shambroom disclose the limitations as discussed in Claim 13 above. White and Shambroom further disclose wherein a message instructing termination of the communication channel is communicated from the receiver/decoder to the gateway using the non-internet protocol, the gateway in turn communicating a termination command to the specified remote device using the internet protocol (Shambroom, col. 8, lines 25-45).

Regarding Claim 30, White and Shamroom disclose the limitations as discussed in Claim 12 above. White and Shambroom further disclose wherein the identification of the receiver/decoder is authenticated by the gateway before the communication channel is established (Shambroom, col. 2, lines 30-45).

Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perlman et al. (U.S. Patent 5,978,381)

Goldman et al. (U.S. Patent 5,974,461)

Britt, Jr. et al. (U.S. Patent 5,940,074)

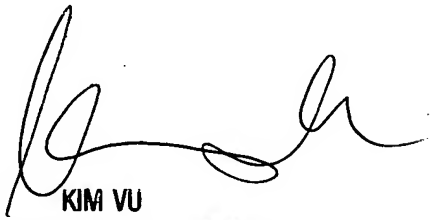
Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Tran N. To whose telephone number is 571-272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Tran To
04/28/2006


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100